

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

LEON RENEE HARVEY,

Petitioner,

v.

BEN CURRY,

Respondent.

No. C 07-02247 SBA (PR)

**ORDER EXTENDING THE DEADLINE
FOR THE PAYMENT OF FILING FEE
OR FILING OF IN FORMA PAUPERIS
APPLICATION**

Petitioner has filed a pro se petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. However, Petitioner has not paid the requisite \$5.00 filing fee or filed an application for leave to proceed in forma pauperis (hereinafter "IFP"). The Court cannot conduct an initial review of this matter until Petitioner has either paid the filing fee or completed an IFP application. See 28 U.S.C. § 1915(a) (a party is permitted to file a civil action in federal court without prepayment of fees or security if he makes affidavit that he is unable to pay such fees or give security therefor).

In an Order dated August 13, 2007, the Court directed Petitioner to pay the requisite \$5.00 filing fee in this action no later than thirty days from the date of the Order.

On August 24, 2007, Petitioner filed a letter with the Court stating that he requested the Prison Account Trust Office to send a check for his filing fee on May 26, 2007. The record shows that no such payment was received. To date, Petitioner has not the requisite \$5.00 filing fee or filed an application for leave to proceed IFP.

Accordingly, the Court grants Petitioner an extension of time to pay the requisite \$5.00 filing fee in this action. No later than **thirty (30) days** from the date of this Order, Petitioner shall pay the \$5.00 filing fee and include with his payment a clear indication that it is for the above-referenced case number, C 07-02247 SBA (PR). In the event that Petitioner is unable to pay the filing fee, he shall submit an IFP application, trust account statement and certificate of funds no later than **thirty (30) days** from the date of this Order. Failure to pay the filing fee or file the requisite documents within the thirty-day deadline shall result in dismissal of this action.

1 The Clerk of the Court shall send Petitioner a blank prisoner IFP application form along with
2 his copy of this Order.

3 IT IS SO ORDERED.

4 DATED: 1/4/08


SAUNDRA BROWN ARMSTRONG
United States District Judge

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UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

LEON RENEE HARVEY,
Plaintiff,

v.

BEN CURRY et al,
Defendant.

Case Number: CV07-02247 SBA

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on January 7, 2008, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Leon Renee Harvey V72083
California Training Facility
P.O. Box 705
Soledad, CA 93960-0705

Dated: January 7, 2008

Richard W. Wieking, Clerk
By: LISA R CLARK, Deputy Clerk